

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 24-5239

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IN RE: APPLICATION OF THE UNITED  
STATES FOR AN ORDER PURSUANT TO  
18 U.S.C. § 2705(B)

EMPOWER OVERSIGHT WISTLEBLOWERS  
& RESEARCH,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

**APPELLEE’S MOTION FOR EXTENSION OF TIME WITHIN  
WHICH TO FILE APPELLEE’S BRIEF**

Pursuant to D.C. Cir. R. 27(h), appellee, the United States of America, respectfully moves this Court for a 37-day extension of time, to and including July 18, 2025, within which to file its brief in this case. Appellee’s brief is currently due on June 11, 2025. This is appellee’s first request for an extension of time in this case, although appellant obtained an unopposed 39-day extension for filing its brief. Counsel for Empower, Brian J. Field, Esq., has indicated that Empower will oppose this motion.

As grounds for this motion, appellee states that the undersigned Assistant United States Attorney, to whom this matter is now assigned, will be unable to complete the government's brief by the current due date because of the press of other appellate business (which has been exacerbated by attorney shortages in the Appellate Division), a previously scheduled family vacation, and the need to review appellant's claims and the appellate record. Specifically, on May 12, 2025, this Court denied the government's motion to hold this case in abeyance pending a decision in another case involving a similar legal issue (*In re Sealed Case*, No. 24-5089 (argued Nov. 12, 2024)) and set the government's brief to be due on June 11. While awaiting this Court's ruling on the abeyance motion, the undersigned AUSA had turned to other projects. And when this Court denied the abeyance motion, the undersigned AUSA already had three time-sensitive projects scheduled for the upcoming weeks: (1) a bail appeal before this Court (*United States v. Gartrell*, No. 25-3048), in which the government filed its pleading on May 21; (2) an oral argument before the D.C. Court of Appeals in *Perkins v. United States* on June 3; and (3) an oral argument before the D.C. Court of Appeals in *Picon v. United States* on June 5.

By contrast, the instant appeal is not time sensitive. Empower seeks additional unsealing of a single court filing. After the district court's ruling on August 23, 2024, Empower waited two months before filing a notice of appeal. It then obtained a 39-day extension of time for filing its brief (which the government did not oppose), ultimately filing its brief on April 4, 2025.

Respectfully submitted,

JEANINE FERRIS PIRRO  
United States Attorney

CHRISELLEN R. KOLB  
Assistant United States Attorney

/s/

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**CERTIFICATE OF COMPLIANCE WITH RULE 27(d)**

I HEREBY CERTIFY pursuant to Fed. R. App. P. 32(g) that this motion contains 378 words, and therefore complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). This motion has been prepared in 14-point Century Schoolbook, a proportionally spaced typeface.

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/s/

ERIC HANSFORD

Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have caused a copy of the foregoing motion to be served by electronic means, through the Court's CM/ECF system, upon counsel for appellant, Brian J. Field, Esq., on this 29th day of May, 2025.

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/s/

ERIC HANSFORD

Assistant United States Attorney